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and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby ADOPTS AND ACCEPTS the report and recommendation of the United States Magistrate Judge (ECF No. 23). Accordingly, the plaintiff's motion for remand (ECF No. 15) is GRANTED, and the defendant's cross-motion to affirm (ECF No. 20) is DENIED. This matter is hereby remanded to the administrative law judge for further proceedings consistent with the report and recommendation.

Howard DM: Killen

UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED.

DATED: This 8th day of February, 2017.